

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors believe they are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled, "DETECTION OF ESTROGEN RECEPTOR- $\beta$  AND METHODS FOR DIAGNOSIS AND CLASSIFICATION OF CANCER" the specification of which:

X is attached hereto.  
was filed on \_\_\_\_\_, as Application Serial No. \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

Priority  
Claimed

N/A (Number) (Country) (Date Filed)

Yes/No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information known to me to be material to the patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, §1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

N/A  
(Application Serial No.) (Filing Date) (Status)

application(s) listed below:

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(Application Serial No.) (Filing Date)

The Assignee hereby revokes any previous Powers of Attorney and appoints

C. Steven McDaniel

Reg. No. 33,962

*each of said attorneys or agents being members or associates of the firm of McDaniel & Associates, P.C., as attorney or agent for so long as they remain with such company or firm, with full power of substitution and revocation,*

to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive the Letters Patent.

Please direct all communications as follows:

C. Steven McDaniel  
McDaniel & Associates, P.C.  
P.O. Box 2244  
Austin, Texas 78767-2244  
Ph: 512.472.8282

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Robert J. Christy  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: San Antonio, Texas Citizenship: USA

Post Office and Residence Address: 8606 Boutry Heights, San Antonio, Texas 78245  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Yi-Chun J. Wang  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: San Antonio, Texas Citizenship: USA

Post Office and Residence Address: 14825 Omicron Drive #201, San Antonio, Texas 78254  
(Include number, street name, city, state and zip code)

Inventor's Full Name: Suzanne A.W. Fuqua  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

City and State (or Foreign Country) of Residence: Sugar Land, Texas Citizenship: USA

Post Office and Residence Address: 5410 Drakeview Court, Sugar Land, Texas 77479  
(Include number, street name, city, state and zip code)

STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN

Docket Number: GNTX-00100

Applicant, Patentee, or Identifier: Christy, et. al.  
Application or Patent No.: Not Assigned Yet  
Filed or Issued: June 11, 2001  
Title: Detection of Estrogen Receptor-β and Methods for Diagnosis and Classification of Cancer

I hereby state that I am

the owner of the small business concern identified below.  
 an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN GeneTex, Inc.

ADDRESS OF SMALL BUSINESS CONCERN 14785 Omicron Drive, Suite 101, San Antonio, Texas 78245

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small business Administration, Size Standard Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

No such person, concern or organization exists.  
 Each such person, concern or organization is listed below:

Individual  Small Business Concern  Nonprofit Organization

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING \_\_\_\_\_

TITLE OF PERSON IF OTHER THAN OWNER \_\_\_\_\_

ADDRESS OF PERSON SIGNING \_\_\_\_\_

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

## ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, we, Robert J. Christy, Yi-Chun J. Wang, Suzanne A. W. Fuqua, ("ASSIGNORS"), having made an invention for DETECTION OF ESTROGEN RECEPTOR- $\beta$  AND METHODS FOR DIAGNOSIS AND CLASSIFICATION OF CANCER, while in the employ either as an employee or consultant of GeneTex, Inc., a not-for-profit corporation organized and existing under the laws of the State of Texas, and having its principal place of business at 14785 Omicron Drive, Suite 101, San Antonio, Texas 78245 (sometimes hereinafter called "ASSIGNED"), does hereby ASSIGN, SELL and CONVEY to said GeneTex, Inc., its successors and assigns, the entire right, title and interest throughout the world in and to:

1. Said invention in DETECTION OF ESTROGEN RECEPTOR- $\beta$  AND METHODS FOR DIAGNOSIS AND CLASSIFICATION OF CANCER;
2. United States of America patent application of said invention, claiming priority to provisional application Serial No. 60/211,234, filed June 12, 2000;
3. All applications for patent or like protection on said invention that have now been or may in the future be made by us or our legal representatives, whether in the United States of America or any other place anywhere in the world;
4. All patents and like protection that have now been or may in the future be granted on said invention to us or our legal representatives, whether in the United States of America or in any other country or place anywhere in the world;
5. All substitutions for and divisions, continuations, continuations-in-part, renewals, reissues, extensions, and the like of said applications and patents and like grants, including without limitation, those obtained or permissible under past, present and future laws and statutes;
6. All rights of action on account of past, present and future unauthorized use of said invention and for infringement of said patents and like protection;
7. The right in ASSIGNEE to file in its name applications for patents and like protection for said invention in any country or countries foreign to the United States; and

8. All international rights of priority associated with said invention, applications, patents and like protection;

and we covenant that we, and our heirs, legal representatives, assigns, administrators, and executors, will, at the expense of ASSIGNEE, its successors and assigns, execute all papers and perform such other acts as may be reasonably necessary to give ASSIGNEE, its successors and assigns, the full benefit of this Assignment.

EXECUTED at the place and on the date indicated below.

**ASSIGNOR**

Date: \_\_\_\_\_

**Robert J. Christy**

**THE STATE OF TEXAS** §  
§  
**COUNTY OF BEXAR** §

BEFORE ME, the undersigned authority, on this day personally appeared **ROBERT J. CHRISTY**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2001.

Notary Public in and for the State of Texas

**ASSIGNOR**

Date: \_\_\_\_\_

**Yi-Chun J. Wang**

**THE STATE OF TEXAS §**

§

**COUNTY OF BEXAR §**

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BEFORE ME, the undersigned authority, on this day personally appeared **YI-CHUN J. WANG**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2001.

Notary Public in and for the State of Texas

**ASSIGNOR**

Date: \_\_\_\_\_

**Suzanne A. W. Fuqua**

**THE STATE OF TEXAS §**

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**COUNTY OF \_\_\_\_\_ §**

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BEFORE ME, the undersigned authority, on this day personally appeared **SUZANNE A. W. FUQUA**, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2001.

Notary Public in and for the State of Texas